
North Carolina Sterilization StatuteAugust 1963

ART. 7 of Chapter 35 - STERILIZATION OF PERSONS MENTALLY DEFECTIVE

35-36. State institutions authorized to sterilize mental defectives. The governing body or responsible head of any penal or charitable institution supported wholly or in part by the State of North Carolina, or any subdivision thereof, is hereby authorized and directed to have the necessary operation for asexualization, or sterilization performed upon any mentally diseased, feeble-minded or epileptic inmate or patient thereof, as may be considered best in the interest of the mental, moral, or physical improvement of the patient or inmate, or for the public good: Provided, however, that no operation described in this section shall be lawful unless and until provisions of this article shall first be complied with. (1933, c.224, s.1.)

35-37. Operations on mental defectives not in institutions. It shall be the duty of the board of commissioners of any county of North Carolina, at the public cost and expense, to have one of the operations described in 35-36, performed upon any mentally diseased, feeble-minded or epileptic resident of the county, not an inmate of any public institution, upon the request and petition of the director of public welfare or other similar public official performing in whole or in part the functions of such director, or of the next of kin, or the legal guardian of such mentally defective person: Provided, however, that no operation described in this section shall be lawful unless and until the provisions of this article shall be first complied with. (1933,c.224,s.2; 1961,c.186.)

35-38. Restrictions on such operations. No operation under this article shall be performed by other than a duly qualified and registered North Carolina physician or surgeon, and by him only upon a written order signed after complete compliance with the procedure outlined in this article by the responsible executive head of the institution or board, or the director of public welfare, or other similar official performing in whole or in part the functions of such director, or the next of kin or legal guardian having custody or charge of the feeble-minded, mentally defective or epileptic inmate, patient or non-institutional individual. (1933,c.224,s.3; 1961, c.186)

35-39. Prosecutors designated; duties. If the person upon whom the operation is to be performed is an inmate or patient of one of the institutions mentioned in 35-36, the executive head of such institution or his duly authorized agent shall act as prosecutor of the case. The county director of public welfare may act as prosecutor or petitioner in instituting sterilization proceedings in the case of any feeble-minded, epileptic, or mentally diseased person who is on parole from a State institution, and in case of any such person who is an inmate of a State institution when authorized to do so by the